

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

H.G., by and through his Guardian ad Litem) Yubiel Magana,) Plaintiff,) v.) UNITED STATES OF AMERICA,) Defendant.)	Case No.: 1:22-cv-01133-JLT-HBK ORDER ADOPTING THE FINDINGS AND RECOMMENDATIONS GRANTING APPROVAL OF THE MINOR’S COMPROMISE (Docs. 27, 31)
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On July 6, 2023, the parties engaged in a settlement conference with Magistrate Judge Dennis M. Cota, and the parties reached a settlement. (Docs. 24.). On August 3, 2023, Plaintiff H.G., by and through his guardian ad litem, filed a petition for approval of minor’s compromise from the gross settlement. (Doc. 27.). The assigned magistrate judge ordered petitioner to supplement the petition pursuant to Local Rule 202(b)(2), and the supplement was filed on September 18, 2023. (Docs. 29-30.) Defendant filed no response to the initial or supplemented petition.

On November 6, 2023, the assigned magistrate judge found the minor’s compromise – including the payment of attorney fees from the portion of the settlement designated for H.G. – was “fair and reasonable in light of the facts of the case, the specific claim, and recoveries in similar cases.” (Doc. 31 at 6.) Therefore, the magistrate judge recommended the motion for

1 approval of the minor's compromise be approved. (Doc. 31.) In addition, the magistrate judge
2 recommended the minor's net compensation be assigned as follows: (1) an annuity be purchased
3 in the amount of \$30,000.00 for the benefit of the minor, (2) \$1,000.00 be released to guardian ad
4 litem and H.G.'s mother Yubiel Magana, and (3) \$8,825.83 be placed in a blocked account where
5 it cannot be withdrawn until H.G.'s eighteenth birthday.

6 The Court served the Findings and Recommendations on all parties and notified them that
7 any objections thereto were to be filed within 14 days after service. (*Id.*) To date, neither party
8 has filed objections, and the deadline for doing so has passed. According to 28 U.S.C. § 636
9 (b)(1)(C), the Court has conducted a *de novo* review of the case. Having carefully reviewed the
10 entire file, the Court concludes that the magistrate judge's Findings and Recommendations are
11 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 12 1. The Findings and Recommendations issued on November 6, 2023, (Doc. 31), are
13 **ADOPTED** in full.
- 14 2. The petition for approval of minor's compromise (Doc. 27) is **GRANTED**.
- 15 3. An annuity **SHALL** be purchased from JMW Settlements LLC in the amount of
16 \$30,000.00 from the minor's net compensation for the benefit of the minor, which
17 will yield a total payout of \$48,000.00 over a 3-year period when the minor turns
18 19.
- 19 4. \$1,000.00 of the minor's net compensation **SHALL** be released to guardian ad
20 litem and H.G.'s mother Yubiel Magana to obtain a residence.
- 21 5. \$8,825.83 of the minor's net compensation **SHALL** be placed in a blocked
22 account at Noble Credit Union in Fresno, California where it cannot be withdrawn
23 until H.G.'s eighteenth birthday or otherwise ordered by the Court.

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1 6. The parties **SHALL** file a stipulation for dismissal of the action with prejudice
2 pursuant to Rule 41 of the Federal Rules of Civil Procedure within 45 days of the
3 date of service of this order.

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5 IT IS SO ORDERED.

6 Dated: **November 21, 2023**


UNITED STATES DISTRICT JUDGE